



**Office of the  
Information Commissioner of Canada**

## **2011–2012 Estimates**

**Report on Plans and Priorities**

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of Canada

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## Message from the Information Commissioner of Canada

I am pleased to submit to Parliament the *Report on Plans and Priorities* of the Office of the Information Commissioner of Canada (OIC) for 2011–2012. When I accepted the honour and privilege of serving as Information Commissioner on June 30, 2010, I committed to achieving high performance in the conduct of efficient, fair and confidential investigations of access complaints and issues. I also took on the challenge of becoming an effective catalyst for modernizing Canada's access to information regime and fostering a culture of openness across public sector institutions. To chart the best possible course of action, I immediately undertook a strategic planning process, engaging OIC staff, managers and key stakeholders. The plans and priorities contained in this report take into account our current environment and reflect the consensus, decisions and commitments resulting from our strategic process.



These are interesting and promising times for access to information. The external environment has become increasingly fluid, with new developments and opportunities arising on a daily basis. Technology continues to broaden the range of devices, social media and applications available to the public. WikiLeaks has demonstrated the power of technology to widely disseminate information with various societal impacts around the world, many of which we have yet to understand. Two billion people worldwide, or one person in three, regularly surf and engage online, expecting instantaneous and free access to all types of information in the format of their choice. The Open Government movement, barely nascent a year ago, has now gone viral. Several countries and jurisdictions have already embraced Open Government in practice by proactively and routinely releasing high-value data in open formats while providing wiki-like public platforms for consultation and collaboration.

As an Ombudsperson and administrative head of this Office, my first strategic goal is to achieve high performance by further increasing the operational efficiencies recently achieved by the OIC. The business model introduced two years ago has allowed us to become faster and better at resolving complaints of an administrative nature, particularly those pertaining to delays, extensions and fees. This success, as well as the increasing complexity or sensitivity of new cases, have significantly altered the composition of our inventory of complaints, requiring a review of the business model and new case management strategies. The more complex nature of investigative cases also calls for greater analytical skills and legal expertise. Moreover, we need to enhance our strategic and litigation capacity to bring outstanding cases of non-compliance before the courts, where required, and to influence jurisprudence in favour of disclosure.

As the Agent of Parliament responsible for safeguarding the democratic right of access, my second strategic goal is to influence the regime and foster self-discipline among institutions to reverse the declining trends in timeliness and disclosure. This role involves working with institutions and central agencies to identify systemic problems and remedies. It entails providing expert advice to Parliament on the best means of modernizing the access legislation and the way it is administered. It also requires engaging stakeholders and

maximizing synergies to bring about greater government transparency and accountability. One such promising opportunity will be the Seventh International Conference of Information Commissioners, which my Office will host in collaboration with the Canadian Bar Association in the fall of 2011.

Last September, in collaboration with my federal, provincial and territorial access and privacy counterparts, I issued a joint Resolution on Open Government calling for greater openness and transparency from our respective levels of government. I commend the initiative undertaken by the Standing Committee on Access to Information, Privacy and Ethics to engage in a study of Open Government. This is a critical and urgent step toward developing a made-in-Canada strategy for Open Government. I am confident that these deliberations will highlight the benefits of convergence between Open Government and efforts aimed at modernizing the access regime.

Finally, as an employer, my third strategic goal is to build a workplace of choice which reflects the core values employees identified during our strategic planning process. A key initiative will be the implementation of talent management, with a special focus on skills development and knowledge transfer, to allow everyone to contribute to their full potential. Our demographics speak explicitly to this need. As a result of recent staffing actions to meet business requirements, only 19% of the current workforce has been with the organization for more than five years. Among investigators, 57% have joined the OIC within the last two years. Talent management represents a significant challenge for a small organization, particularly in a context of fiscal restraint. It also provides an excellent opportunity to quickly re-establish the OIC as a centre of investigative and legal expertise on access matters.

The OIC's plans and priorities for 2011–2012 set the course for bringing information requesters a three-fold benefit in that there will be faster resolution of complaints, faster processing of requests, and maximum disclosure of information. This will benefit Canadians by improving government openness and accountability, and encouraging public participation in the democratic process. According to federal consultations, free access to government data is key to a prosperous digital economy. Deloitte Canada stated that: "The Digital Economy of 2020 and beyond will run largely on a wireless highway." Both economy and democracy will truly benefit if open government and right to information proponents collaborate in building a highway that is as accessible, open and inclusive as possible, without undue risks of delays, detours and closures.

## **Section I: Overview**





## Raison d'être

The Office of the Information Commissioner of Canada (OIC) ensures that the rights conferred to information requesters by the *Access to Information Act*<sup>1</sup> are respected. Protecting and advancing the right of access to public sector information ultimately enhances transparency and accountability across the federal government.

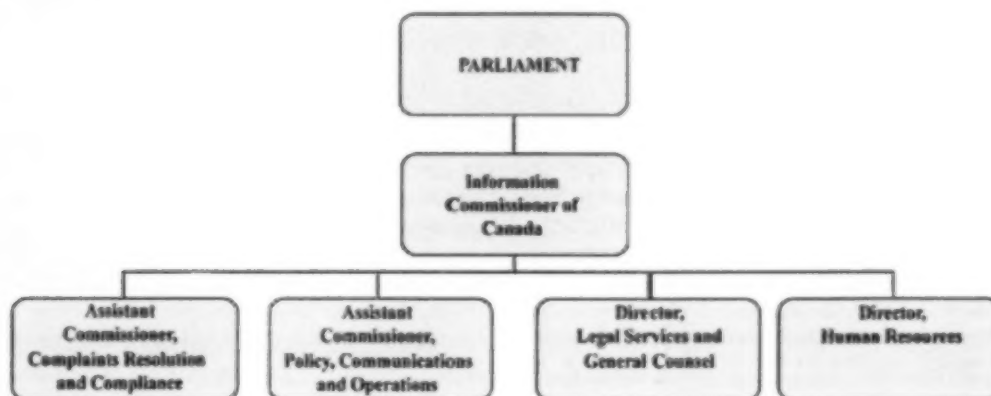
## Responsibilities

The OIC is an independent public body which was established in 1983 under the *Access to Information Act*—Canada's freedom of information legislation. It assists the Information Commissioner of Canada in her role as Ombudsperson and Agent of Parliament.

The Office is primarily responsible for carrying out efficient, fair and confidential investigations of complaints and issues of concern on how federal institutions handle access to information requests from the public. In carrying out this responsibility, it gives complainants, heads of federal institutions and all third parties affected by complaints an opportunity to make representations.

In addition, the Office supports the Information Commissioner in her advisory role to Parliament and parliamentary committees on all access to information matters. Where required, it assists the Commissioner in bringing issues of interpretation and enforcement of the law before the courts. In delivering its mandate, the Office protects Canadians' right to access information held by federal institutions and advances a pro-disclosure culture regarding public sector information.

The organizational structure of the Office of the Information Commissioner is shown in the diagram below.



<sup>1</sup> *Access to Information Act*, <http://laws.justice.gc.ca/eng/A-I/index.html>

The **Complaints Resolution and Compliance (CRC) Branch** conducts investigations and dispute resolution activities to resolve complaints.

The **Policy, Communications and Operations Branch** assesses federal institutions' performance under the Act, conducts systemic investigations and analysis, provides strategic policy direction, leads the Office's external relations with government and Parliament, and provides strategic and corporate leadership in the areas of financial management, internal audit and information management. This Branch is also responsible for managing the OIC's Access to Information and Privacy function.

The **Legal Services Branch** represents the Commissioner in court and provides legal advice on investigations, legislative issues and administrative matters.

The **Human Resources Branch** oversees all aspects of human resources management—from staffing and development to retention strategies—and provides advice to managers and employees on human resources issues.

## Strategic Outcome and Program Activity Architecture

<i>Strategic Outcome</i>	<i>Program Activities</i>
Individuals' rights under the <i>Access to Information Act</i> are safeguarded.	Compliance with access to information obligations
	Internal services

## Planning Summary

The Financial Resources table below provides the total planned spending<sup>2</sup> for the Office of the Information Commissioner for the next three fiscal years. The figures reflect additional funding obtained in 2009–2010 to modernize and improve business processes and conduct activities in support of the Commissioner's mandate. This funding was granted for fiscal years 2009–2010 to 2013–2014. It ranges from \$2,545K and \$3,012K (including Employee Benefit Plans) and levels off at \$2,745K on an ongoing basis. Variations in year-over-year planned spending are mainly attributable to information management and information technology (IM/IT) initiatives.

<sup>2</sup> Planned spending is composed of approved reference levels from the previous year's closed Annual Reference Level Update and adjustments to those reference levels, such as amounts received through Supplementary Estimates.

**Financial Resources (\$ thousands)**

2011–2012	2012–2013	2013–2014
12,005	11,737	11,789

The OIC also received a special purpose allotment of \$400K for fiscal year 2010–2011 to accommodate an increase in workload associated with court proceedings and complex cases, including priority investigations and formal inquiries. In 2011–2012, the Office intends to find a long-term solution to ensure that it has access on an “as required basis” to sufficient resources for specialized legal and investigative services.

The next table provides a summary of the total planned human resources for the Office of the Information Commissioner for the next three fiscal years.

**Human Resources (Full-time Equivalents, or FTEs)**

2011–2012	2012–2013	2013–2014
106	106	106

**Planning Summary Table**

The following table displays the distribution of financial resources between the OIC’s core program activity and Internal Services. It also lists the expected results and key criteria to assess the OIC’s performance in achieving these results. Section 2.1.1 provides further details on expected results, performance indicators and targets.

In 2010–2011, the \$793K difference in forecast spending as compared to 2011–2012 is primarily due to funding of \$400K for specialized legal and investigative services, a carry forward of \$202K, a payroll shortfall of \$131K received in 2010–2011, as well as 2011–2012 budget adjustments of \$77K to Employee Benefit Plans and \$137K for IM/IT renewal initiatives.

<b>Strategic Outcome:</b> Individuals' rights under the <i>Access to Information Act</i> are safeguarded.					
<b>Performance Criteria</b>					
<ul style="list-style-type: none"> <li>• Efficiency of resolution process</li> <li>• Responsiveness of institutions to OIC recommendations</li> <li>• OIC's influence on advancing information requesters' rights, notably through presentations and advice to Parliament and before the courts</li> </ul>					
Program Activity <sup>3</sup>	Expected Results	Forecast Spending 2010–2011 (\$ thousands)	Planned Spending (\$ thousands)		
			2011– 2012	2012– 2013	2013– 2014
<b>Compliance with access to information obligations</b>	<ul style="list-style-type: none"> <li>• Complainants benefit from an efficient resolution process.</li> <li>• Institutions meet their obligations under the Act.</li> <li>• Stakeholders receive relevant information on ATI issues.</li> <li>• Parliament receives timely advice.</li> <li>• Courts receive useful representations and evidence.</li> </ul>	8,702	8,197	8,197	8,197
<b>Internal Services</b>		4,096	3,808	3,540	3,592
<b>Total Planned Spending</b>		12,798	12,005	11,737	11,789

The following sections discuss the activities the Office plans to carry out in 2011–2012 to ensure progress toward its long-term strategic outcome.

<sup>3</sup> Approximately 68% of OIC resources are dedicated directly to its core Compliance Program Activity, which includes Legal Services. The remaining 32% is slated for Internal Services. This percentage is consistent with other Agents of Parliament and organizations of comparable size and mandate.

## Contribution of Priorities to Strategic Outcome

For 2011–2012, the OIC has chosen to focus its attention and resources on a number of priorities that can best contribute to achieving its long-term strategic outcome. OIC efforts aim to ensure that individuals' rights under the *Access to Information Act* are safeguarded.

**Operational priorities** focus on ways to improve value for money in the program base, thus achieving better results for Canadians. **Management priorities** focus on improving the OIC's management practices, controls and infrastructure, in areas such as finance, human resources management, information management (IM) and information technology (IT), internal audit, real property management, and corporate security.

Operational Priorities	Type <sup>4</sup>	Description
1. Improving service delivery	Ongoing	<p>The OIC will continue to improve its business processes to ensure that its investigations into access complaints are conducted in an efficient, fair and confidential manner.</p> <p>Following a three-pronged approach, the Office will:</p> <ul style="list-style-type: none"> <li>• Review its <b>business model</b> and adjust its performance indicators and targets accordingly, taking into account the composition of the current inventory of complaints. Whereas two years ago the inventory included an equal share of administrative and refusal cases, 75% now consist of complex and priority refusal cases. The review of the business model will also assist in refining case management strategies to efficiently deal with these cases.</li> <li>• Cultivate <b>investigative and analytical capabilities</b> through targeted training and coaching. This is a critical requirement given the fact that 57% of investigators have joined the OIC within the last two years. Reference tools will be updated or developed to assist investigators with the evolving technicalities of the case law.</li> </ul>

<sup>4</sup> **Priority previously committed to:** Committed to the priority for 2009–2010 or 2010–2011.

**Ongoing priority:** Committed to at least three fiscal years prior to 2011–2012.

**New priority:** Newly committed to starting in 2011–2012.

		<ul style="list-style-type: none"> <li>Enhance the OIC's <b>strategic and litigation capacity</b> for the following purposes: to seek resolution of outstanding cases before the courts, to defend or clarify important points of principle, and to influence the jurisprudence in favour of maximum disclosure. Based on recent trends, the number of highly complex files and other key assumptions, the OIC faces the possibility of up to ten legal proceedings in 2011–2012. Given its limited resources for litigation, it will put forward a strategy to obtain adequate funding for specialized legal expertise that takes into account fiscal restraint imperatives.</li> </ul> <p>To improve service delivery as in all aspects of its work, the Office will continue to leverage <b>information management and information technology</b>. In particular, it will:</p> <ul style="list-style-type: none"> <li>Complete the transition to the new case management system for investigations (InTrac).</li> <li>Implement an online capability allowing the public to file complaints with a view to integrating it within the case management system as soon as network and security requirements are met.</li> </ul>
<b>2. Maximizing institutional compliance</b>	Previously committed to	<p>The OIC will work to improve federal institutions' compliance with their obligations under the <i>Access to Information Act</i>. Through information sharing and recommendations stemming from evidence-based analysis, the Office aims to instill greater self-discipline in the system for the benefit of information requesters. In 2011–2012, the focus will be on assessing the progress accomplished by institutions and central agencies in addressing <b>timeliness</b> issues.</p> <p>More specifically, the Office will:</p> <ul style="list-style-type: none"> <li>Implement year three of its <u>Three-Year Plan for Report Cards</u>,<sup>5</sup> while developing the objectives and methodology for the subsequent three-year plan.</li> <li>Monitor and assess institutions' notices of extension to the Information Commissioner, provided for by the Act in cases where the response time is extended for more than thirty days in accordance with subsection 9(2).</li> </ul>

<sup>5</sup> Three-Year Plan for Report Cards, [http://www.oic-ci.gc.ca/eng/rp-pr\\_spe-rep\\_rap-spe\\_rep-car\\_fic-ren\\_3\\_vrs\\_plan.aspx](http://www.oic-ci.gc.ca/eng/rp-pr_spe-rep_rap-spe_rep-car_fic-ren_3_vrs_plan.aspx)

		<ul style="list-style-type: none"> <li>Disseminate information explaining OIC procedures to improve compliance and reduce complaints.</li> </ul>
<b>3. Facilitating the convergence of access and Open Government</b>	Previously committed to	<p>Modernizing access to information through <b>legislative and/or administrative reform</b> is necessary to ensure that the regime reflects the complex environment of the early 21st century. But this is no longer sufficient as technology has altered citizens' expectations regarding the type of government information that should be widely available and the timeliness of dissemination. Efforts to advance access to information must now converge with open government initiatives.</p> <p>The OIC will facilitate this <b>convergence</b> through various activities. For example, it will:</p> <ul style="list-style-type: none"> <li>Collaborate with central agencies to update policies and guidelines on access to information.</li> <li>Continue to advise Parliament on Open Government and ways to reform the access legislation.</li> <li>Conduct national and international benchmarking exercises and document best practices worldwide through collaboration with national, foreign and international experts and organizations. The next International Conference of Information Commissioners, which will take place in Canada in October 2011, will provide an excellent platform for this purpose.</li> </ul> <p>The OIC will also support the goal of open government by demonstrating and celebrating <b>exemplary practices</b>. For example, the Office will:</p> <ul style="list-style-type: none"> <li>Fully implement its public disclosure policy, and increase the availability and visibility of its corporate information in open format.</li> <li>Continue to post the texts of access requests online.</li> <li>Implement the newly established <u>Grace-Pépin Award</u>.<sup>6</sup></li> </ul>

<sup>6</sup> Grace-Pépin Access to Information Award, [http://www.righttoknow.ca/en/Content/grace\\_pepin\\_award-prix.asp](http://www.righttoknow.ca/en/Content/grace_pepin_award-prix.asp)



Management Priorities	Type	Description
<b>4. Implementing talent management</b>	New	<ul style="list-style-type: none"> <li>As a first step in implementing talent management across the organization, the OIC will focus on training and developing skills and competencies for all employees. It also needs to address the challenges associated with succession planning and retention of corporate memory at the senior levels.</li> </ul>
<b>5. Building the security infrastructure</b>	New	<ul style="list-style-type: none"> <li>The OIC will implement a strategy to remedy critical gaps identified by a comprehensive security assessment carried out in the summer of 2010. It will put in place various measures to ensure the protection of personnel, assets and information, in compliance with the Policy on Government Security.</li> </ul>
<b>6. Enhancing performance measurement and auditing</b>	Previously committed to	<ul style="list-style-type: none"> <li>Update the Performance Measurement Framework to reflect the Strategic Plan for 2011–2014 and recent changes to business processes.</li> <li>Audit investigative processes, performance metrics and information management, as per the 2010–2013 Risk-Based Audit Plan,<sup>7</sup> to ensure that they support efficient case management. This audit will allow for a follow-up on the September 2009 Management Action Plan to improve the efficiency of the Intake and Early Resolution Unit.</li> </ul>

<sup>7</sup> 2010–2013 Risk-Based Audit Plan, <http://www.oic-ci.gc.ca/eng/risk-based-audit-plan-plan-verification-fonction-du-risque-2010-2013.aspx>



## Risk Analysis

A number of accountability mechanisms and a wide range of external and internal factors affect the OIC's plans and performance and drive its decision-making. These factors were examined with various groups of stakeholders during a recent strategic planning exercise, which forms the basis for the organization's Strategic Plan for 2011–2014.

This exercise also informed a risk-based audit planning process conducted in May 2010, through which the Office updated its list of key risks facing the organization. The table below summarizes these risks and ranks them according to their level of complexity and significance. Their perceived impact and probability provide the basis for the assigned level of inherent risk.

### Key Risks Identified in the Risk-Based Audit Plan for 2010–2013<sup>8</sup>

Risks	Inherent Risk Level <sup>9</sup>
1. Efficiency of complaints resolution	High
2. Ability to retain corporate memory and organizational momentum in the event of management turnover	High
3. Compliance with the Policy on Government Security	High
4. Effectiveness of information technology (IT) systems and information (IM) practices	Moderate
5. Compliance with the Treasury Board of Canada Secretariat's Financial Management Policy instruments	Moderate

#### 1. Workload Management Risks

The OIC is considerably influenced by the way in which information requests are handled by federal institutions and by the relative number, complexity and priority of complaints subsequently filed by requesters. The composition of the inventory of complaints has radically changed over the last two years. The business model introduced in 2008 was based on an equal percentage of administrative and refusal complaints. Whereas administrative complaints pertain to delays, extensions, fees and similar issues, refusal cases involve the application of complex and contentious exemptions dealing with national security and other sensitive matters. Partly as a result of successful strategies to quickly resolve administrative complaints, 75% (over 1,500 files) of the current inventory consists of refusal and old cases that raise complex and unexpected challenges.

Complex or contentious cases might require the exercise of formal investigative powers (e.g. subpoenas and formal inquiries) or give rise to legal proceedings where vigorous enforcement or court interpretation is necessary to ensure compliance with the legislation. Cases outstanding from the older inventory present an increased risk of mandamus

<sup>8</sup> 2010–2013 Risk-Based Audit Plan, <http://www.oic-ci.gc.ca/eng/risk-based-audit-plan-plan-verification-fonction-du-risque-2010-2013.aspx>

<sup>9</sup> Risk to the OIC before the application of controls

applications. These occur when a complainant believes the Office has taken too long to close his or her file. The application seeks an order to compel the OIC to complete the outstanding investigation. The Office must respond by seeking to have the application quashed so that it can conclude the investigation properly.

Such factors create considerable challenges in controlling and forecasting workload. The Office has undertaken to improve its processes, systems and controls, so that it can effectively and efficiently deal with varying quantity and complexity of complaints and requests. In 2009–2010, it established ambitious targets in many aspects of its service delivery, including the goal to limit its year-end inventory of new complaints to 200–500 cases by 2013–2014.

Given the current composition of the inventory, the Office will undertake to review its business model in 2011–2012 and will adjust it accordingly. An internal audit scheduled to start in March 2011 will examine business processes, performance metrics and documentation for decision making to ensure they support efficient case management. The Office has also endeavoured to seek a long-term solution to ensure access to sufficient resources for litigation and formal investigative expertise, as required.

## **2. Human and Knowledge Capital Risks**

At the OIC, the risk of reduced or quick turnover in HR capacity (i.e. number of resources) has been successfully mitigated by the recruiting strategies included in the *Integrated HR Plan for 2009–2014*.<sup>10</sup> Current risks encompass the dual challenge of ensuring sufficient HR capability (i.e. skills and experience) among employees and adequate succession planning at the senior levels.

During the past two years, the OIC engaged in a number of staffing actions to fill approved positions and meet business requirements. Consequently, as of January 2011, only 19% of employees have been with the organization for more than 5 years. Among investigators, 57% have less than 3 years of experience at the OIC. Only five investigators have more than 10 years of OIC experience. Training is critical to develop internal expertise in the particulars of the OIC's investigative function and tools.

At the senior levels, the ability to retain corporate memory and organizational momentum in the event of management turnover constitutes the most significant risk. There is no career progression available beyond the EX-1 level. In addition, several directors are close to retirement age. Senior management positions at the OIC rely on unique skills and experience and support the Commissioner in meeting her mandate. In the event of turnover, it is important to have succession plans to ensure a smooth transition, and adequate processes to capture and transfer knowledge.

These risks will be addressed through several internal audits proposed as part of the *Risk-Based Audit Plan for 2010–2013*. The OIC is committed to implementing a comprehensive talent management program, which will focus on training and serve to retain and transfer its critical human and knowledge capital.

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<sup>10</sup> Integrated HR Plan for 2009–2014, <http://www.oic-ci.gc.ca/eng/rr-sl-odi-adi.aspx>

### **3. Security Risks**

For all public institutions, the security of people, assets and information represents both an inherent risk and a risk of non-compliance with Treasury Board (TB) policy. Given the nature of the OIC and the information it holds, security has been ranked as a high risk.

To comply with the revised TB Policy on Government Security, the OIC must implement a Departmental Security Plan by April 2012. This represents a substantial challenge as the plan must integrate all departmental security management components, a business continuity plan, as well as an emergency response plan.

In addition, a Physical Security Threat and Risk Assessment conducted in August 2010 revealed substantial deficiencies resulting from an inadequate operating budget, which only allowed minimal investments in the OIC's security infrastructure over time. Real or perceived deficiencies with respect to information security also have important ramifications for the OIC's reputational risks and its ability to effectively deliver on its mandate.

The Office has put in place a number of temporary measures to mitigate these risks and alleviate concerns. It has also undertaken to implement a comprehensive strategy to address its security deficiencies. The Risk-Based Audit Plan for 2010–2013 provides for an audit engagement to examine and assess the actions taken, their results and status, as well as the overall compliance with security policy.

### **4. IM/IT Risks**

The success of the OIC is predicated on a number of renewal initiatives, including the modernization of its information management (IM) and information technology (IT) infrastructure. There are risks that IM/IT requirements might not be in place to support organizational objectives and business needs. These risks emanate from the complexity of the renewal initiatives, the number of system updates to be performed, the strict timelines embedded in the critical path, as well as the risk of lapsing resources. As the Office is expected to demonstrate exemplary IM practices, such outcomes could substantially compromise its reputation.

To mitigate these risks, the OIC has been closely monitoring the implementation of its IM/IT Strategic Plan for 2009–2014, making adjustments as required. Main initiatives include the replacement of the outdated case management systems for the legal and investigative functions and the roll-out of the Records, Documents and Information Management System (RDIMS) across the organization. The case management system for investigations (InTrac) will be the subject of a post-implementation audit in 2012–2013. Among other matters, this audit will examine the success of the new system in meeting its objectives.

### **5. Accountability and Policy Compliance Risks**

Similar to other federal institutions, the OIC is subject to a number of government regulations and policies. These instruments need to be constantly monitored due to ongoing changes. This creates a challenge for small institutions with limited resources. An additional challenge stems from the fact that the OIC, as an independent Agent of Parliament, must determine the applicability of certain policies and regulations. In some areas, the Commissioner's

accountability for compliance has been heightened with the Accounting Officer role and the obligation to appear before Parliamentary committees, when requested.

The OIC monitors key controls over financial management on an ongoing basis. It performs an internal control assessment annually as part of the audit conducted by the Office of the Auditor General. In 2010–2011, the OIC commissioned an external firm to conduct a thorough assessment of its controls over salary, operating expenditures and material management. With the exception of the management of assets, which are in the process of being formally inventoried, only minor improvements were recommended and they have been implemented. The Office has also undertaken to assess its compliance with various Treasury Board policies, directives and standards to provide a level of assurance on the adequacy of the controls in place.

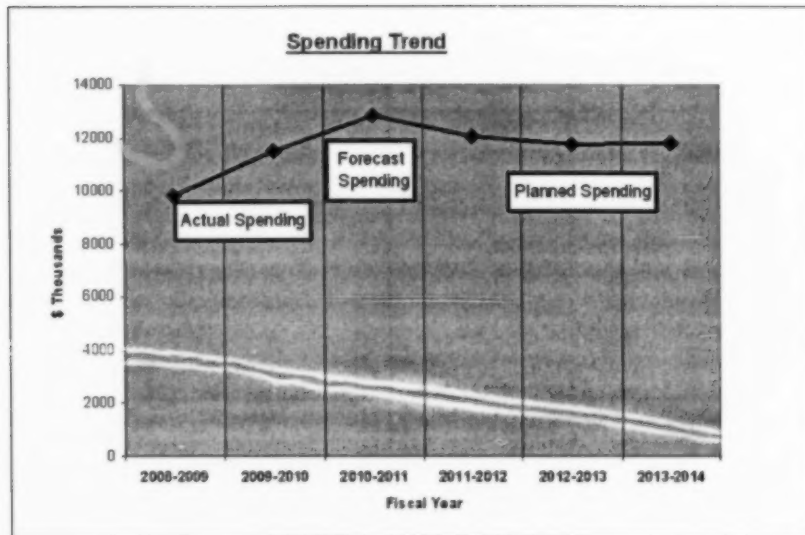
## **Expenditure Profile**

For the 2011–2012 fiscal year, the OIC plans to spend a total of \$12,005K to meet the expected results of its program activities and contribute to its long-term strategic outcome. The OIC is committed to ensuring that the financial resources will be used in the most strategic and responsible manner to continue to improve the efficiency of service delivery to Canadians as well as the impact of activities aimed at fostering a leading access to information regime.

Approximately 75% of the OIC's budget will be allocated to salaries and 25% for Operation and Maintenance (O&M) costs. Of the O&M budget, a third relates to fixed costs while the remainder serves to finance projects such as IM/IT initiatives, training and internal audit.

The OIC's limited budgetary flexibility will be further compounded by government-wide cost containment measures over the next three years. This situation renders the Office very vulnerable to any new pressures that may arise from an increase in complaints or court proceedings, or urgent and unexpected requirements. This is why it has undertaken to find a viable solution to ensure access on an "as required basis" to sufficient resources for specialized litigation and investigative services. To achieve greater efficiencies, it is also looking into means to share services and expertise with other Agents of Parliament.

The following figure illustrates the Office's spending trend from 2008–2009 to 2013–2014. Actual spending in the last two years increased as a result of funding obtained to meet ATIP and internal audit obligations and to modernize business processes. The increase in forecast spending reflects primarily increased staffing as well as costs incurred to engage specialized services for court proceedings and complex cases.



## Estimates by Vote

For information on the organizational votes and/or statutory expenditures, please see the 2011–2012 Main Estimates publication. An electronic version of the Main Estimates is available at <http://www.tbs-sct.gc.ca/est-pre/2011-2012/me-bpd/info/info-eng.asp>.



## **Section II: Analysis of Program Activities by Strategic Outcome**





## Strategic Outcome

All of the OIC's program activities and efforts aim to achieve its single strategic outcome—to ensure that individuals' rights under the *Access to Information Act* are safeguarded.

In 2010–2011, as part of its strategic planning process, the Office undertook to review its expected results and its approach to measuring and monitoring performance in progressing towards achieving its strategic outcome. Improved performance information will benefit ongoing management and decision-making, while enhancing accountability through reporting on results. The implementation of new case management systems for investigations and legal cases will contribute to this process by allowing greater data integration and enhancing the OIC's reporting and analytical capabilities.

The following section presents the Office's core program activity, the expected results, and the current performance indicators and targets. It also explains how the Office plans to meet the expected results and presents the financial and non-financial resources that will be dedicated to its core investigative function as well as Internal Services.

### Program Activity: Compliance with Access to Information Obligations

The *Access to Information Act* is the statutory authority for the oversight activities of the Information Commissioner of Canada. Through its core program activity, the Office of the Information Commissioner supports the Information Commissioner's dual role as Ombudsperson and Agent of Parliament.

It investigates complaints on how federal institutions handle access to information requests from the public and reviews their overall performance in complying with legislative requirements. To maximize compliance across institutions, the Office takes a proactive approach to widespread or recurring issues by investigating their root causes and recommending appropriate solutions. Where required, it assists the Commissioner in bringing issues of enforcement or interpretation of the Act before the Federal Court.

The Office also assists the Commissioner in his or her advisory role to Parliament and parliamentary committees on all access to information matters. To obtain the best possible information to support its advice and recommendations, the Office conducts benchmarking and analysis, and documents best practices.

Program Activity : Compliance with access to information obligations					
Human Resources (FTEs) and Planned Spending (\$ thousands)					
2011–2012		2012–2013		2013–2014	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
75	8,197	75	8,197	75	8,197

Program Activity Expected Results	Performance Indicators	Targets
1. Individuals who have filed complaints with the Information Commissioner benefit from an efficient resolution process.	Percentage of investigations that adhere to quality assurance standards	<ul style="list-style-type: none"> <li>• <b>Overall:</b> 90% of investigations adhere to quality assurance standards at first round of review</li> <li>• <b>Administrative complaints:</b> 85% are resolved within 90 calendar days of their being registered, as per practice direction on <u>Triage of Complaints</u><sup>11</sup></li> </ul>
2. Institutions meet their obligations under the Act and adopt measures to address institutional and systemic issues affecting access to information.	Percentage of recommendations from investigations of complaints/systemic issues that are adopted	<ul style="list-style-type: none"> <li>• <b>Investigations of complaints:</b> 95% of recommendations are adopted</li> <li>• <b>Report cards and systemic investigations:</b> 80% of recommendations are adopted</li> </ul>
3. All stakeholders—including the public, information requesters and the access community, among others—receive relevant and timely information on ATI issues and the role of oversight bodies in ensuring compliance with the legislation.	Information shared with, and feedback received from stakeholders, notably through web publications, public events and partnerships	<ul style="list-style-type: none"> <li>• 100% of OIC's Annual Reports, Special Reports and major announcements are <b>covered</b> by most national newspapers and broadcasting networks. The information is accurately reported, as determined by content analysis.</li> <li>• 100% of OIC's corporate and special reports, findings of noteworthy investigations and summaries of ATI requests are <b>posted</b> on the Office's website, as per its public disclosure policy.</li> <li>• 100% of OIC's corporate and special reports are posted with a link for stakeholders to submit <b>comments and questions</b>.</li> </ul>
4. Parliament receives timely, clear and relevant information and advice about the access, implications of legislation, jurisprudence, regulations and policies.	Percentage of access-relevant parliamentary committee reports, transcripts, Hansards that refer to OIC's perspectives and advice	<ul style="list-style-type: none"> <li>• 85% of access-relevant parliamentary documents refer to OIC's perspectives and advice. References are accurate, as determined by content analysis.</li> </ul>
5. Courts receive useful representations and relevant evidence about access issues, the proper interpretation of the provisions of the Act and of related statutes, regulations and jurisprudence.	Percentage of court cases where judgments reflect representations made by the OIC	<ul style="list-style-type: none"> <li>• Judgements in 90% of court cases support OIC's representations.</li> </ul>

## Planning Highlights

In the spring of 2010, the Office undertook an important process involving staff, management and key stakeholder groups to develop its Strategic Plan for 2011–2014. Based on a comprehensive environmental scan, the process generated a consensus around three key result areas and the associated strategic goals, which the OIC will pursue over the next few years. More specifically:

- To provide sterling service delivery to Canadians, the Office will conduct efficient, fair and confidential investigations. It will use all means at its disposal to effectively address issues of non-compliance, including litigation, where required.
- To foster a leading access to information regime, the OIC will provide advice and support to Parliament, central agencies, federal institutions, civil society groups, academia and other key stakeholders to reverse the declining trends in timeliness and disclosure of public sector information.
- The OIC will also ensure that its work environment reflects employees' core values and needs, including talent management and an enabling infrastructure.

As part of its efforts to review and update its performance measurement framework, the Office will develop measures to assess the progress in meeting its strategic goals. This section discusses plans and initiatives for the first two key result areas. Plans relating to the workplace are presented under Planning Highlights for Internal Services.

### Sterling Service Delivery to Canadians

The OIC will work to further improve the efficiency of its investigative actions. To do so, it will develop and refine its **strategic approach to case management**, while leveraging information management and technology to improve business processes. As it has done for administrative complaints, the Office needs to devise effective strategies to address the increasing proportion and complexity of refusal complaints, which often involve sensitive national security issues and third party information.

To promote institutional compliance across the system, the OIC will implement year three of its Three-Year Plan for Report Cards.<sup>12</sup> Published for the first time in July 2009, this plan is updated on a regular basis to reflect achievements and effect adjustments, where required. In 2011–2012, the Office will conduct a follow-up with institutions surveyed in 2009–2010. It will assess their progress in implementing recommendations aimed at improving the timeliness of response to access requests.

At the same time, the Office will closely monitor the use and duration of **time extensions** based on the notices submitted by institutions. Starting in April 2011, it will publish this analysis on the OIC's website on a quarterly basis in an effort to foster self-discipline among institutions. It also plans to issue a procedure on the application of time extensions pursuant to subsection 9(1)(a) and the filing of extension notices under 9(2).

11. Triage of Complaints, [http://www.oic-ci.gc.ca/eng/inv-inv\\_pd-dp\\_triage-complaints-plaintes.aspx](http://www.oic-ci.gc.ca/eng/inv-inv_pd-dp_triage-complaints-plaintes.aspx)

12. Three-Year Plan for Report Cards, [http://www.oic-ci.gc.ca/eng/rp-pr\\_spe-rep\\_rap-spe\\_rep-car\\_tic-ren\\_3\\_yrs\\_plan.aspx](http://www.oic-ci.gc.ca/eng/rp-pr_spe-rep_rap-spe_rep-car_tic-ren_3_yrs_plan.aspx)

A major thrust of the OIC's efforts in 2011–2012 will be to develop and strengthen the **analytical skills and competencies** of its investigative workforce. The Office must train and equip investigators with up-to-date and customized tools that will allow them to fully understand provisions regarding access to information and how these provisions have been interpreted by the courts. This will assist them in quickly pursuing the necessary and relevant lines of inquiry without having to depend on Legal Services for instructions or advice.

The Office must also optimize its **legal and litigation capacity** to effectively deal with complex cases, address an increased risk of litigation and influence jurisprudence in favour of disclosure. This effort includes implementing a strategy to obtain adequate funding for specialized legal and investigative services.

Complex and priority cases may require the conduct of formal inquiries to gather evidence with minimal delays while ensuring procedural fairness and natural justice. These inquiries involve taking evidence under oath, often with the assistance of expert counsel engaged for that purpose. The increased risk of litigation confronting the OIC stems from: the number and nature of complex cases, challenges created by extended institutional coverage of the Act, proceedings initiated by third parties to prevent disclosure, and old cases which may result in mandamus applications.

Legal Services consist of a very small complement of lawyers with varying levels of experience in litigation. Due to the anticipated increase in workload associated with litigation and complex cases, there is a need to build upon and further develop internal expertise to litigate complex cases before all levels of court.

### **A Leading Access to Information Regime**

In Canada and internationally, freedom of information is undergoing a fundamental shift, driven by rapidly evolving open data initiatives and concomitant public expectations. For the access to information regime and its declining performance, the status quo is no longer viable. In 2011–2012, the OIC will actively promote modernization to bring the regime in line with today's digital environment and real-time transparency.

To this end, the OIC will **collaborate with central agencies** to update policies, practices and performance indicators for the administration of the access regime. Through **benchmarking and partnerships**, it will continue to build up the expertise required to effectively **assist Parliament** on ways to reform the legislation. The next International Conference of Information Commissioners, which is set to take place in Canada in October 2011, will provide an excellent platform to share information on forces of change worldwide for greater access to information.

To champion increased transparency across government, the OIC will demonstrate and celebrate exemplary practices. It will fully implement the **public disclosure policy** that was developed in consultation with key stakeholders. This policy determines the nature of high-value information which the OIC commits to disclose proactively. The Office will make as much corporate information available in open format and will continue to post the texts of access requests, with the number of pages of disclosed information. As a pilot project in 2010, the OIC exercised its discretion to waive the \$5 application fee for formal access

requests in order to facilitate electronic filing. The results of this pilot will be assessed in 2011–2012.

In September 2010, the OIC introduced the Grace-Pépin Access to Information Award<sup>13</sup> in collaboration with provincial and territorial counterparts. Presented annually as part of the Right to Know Week, this award aims to recognize exceptional contributions to the promotion of access to information as well as government transparency and accountability. The first award will be presented in 2011–2012.

## Program Activity: Internal Services

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These activities and services are: Management and Oversight; Human Resources Management; Financial Management; Information Management and Technology; Communications; Access to Information and Privacy; Material and Acquisition Services; Travel and Other Administrative Services; and Internal Audit. Internal Services include only those activities and resources that apply across an organization and not those provided specifically to a program.

Program Activity: Internal Services					
Human Resources (FTEs) and Planned Spending (\$ thousands)					
2011–2012		2012–2013		2013–2014	
FTEs	Planned Spending	FTEs	Planned Spending	FTEs	Planned Spending
31	3,808	31	3,540	31	3,592

## Planning Highlights

As part of the 2010 strategic planning process, OIC staff and management determined what would be instrumental in creating an **exceptional workplace**, conducive to achieving the organization's strategic outcome. As a result, the OIC will focus efforts in 2011–2012 on developing a comprehensive talent management program while enhancing its enabling infrastructure.

OIC employees were also invited to define what they consider to be the core values for the organization. They selected the following four principles to guide individual and corporate behaviour and decision making at the OIC:

- Excellence—Serve with competence, efficiency and diligence
- Leadership—Champion efforts to modernize access to information
- Integrity—Act with reliability, impartiality and honesty
- Respect—Demonstrate courtesy, fairness and collaboration

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13. Grace-Pépin Access to Information Award, [http://www.righttoknow.ca/en/Content/grace\\_pepin\\_award-prix.asp](http://www.righttoknow.ca/en/Content/grace_pepin_award-prix.asp)



## **A Comprehensive Talent Management Program**

A productive and gratifying work environment is one where talent is recognized, developed and invested in the right place at the right time. In other words, talent management matches skills and career aspirations with strategic and operational requirements. In environments characterized by unique and multifunctional positions with a relatively high turnover, it is critical that talent management also integrate knowledge management and maintenance of corporate memory.

In 2011–2012, the Office will start implementing a comprehensive talent management program. **Training** is a key component, which will be tailored to achieve operational requirements, notably in the areas of investigations and legal services. Ongoing dialogue between staff and managers and regular **feedback** on performance will assist employees with their skills and career development. **Career development** options will include matching employees with coaches or mentors who will share knowledge and assist in developing or acquiring specific skills or competencies.

At the same time, the Office will develop and implement a **knowledge management** strategy. This strategy would involve identifying individuals whose knowledge is critical to the organization and determining the best ways to transfer this knowledge.

## **An Enabling Infrastructure as a Critical Enabler of Success**

In 2011–2012, the OIC will implement year 3 of its IM/IT Strategic Plan for 2009–2014. The focus will be on completing the transition to the new records and **case management system** for investigations, and initiating the replacement of the legal case system. By improving investigative tools and workflow, the new InTrac system will facilitate the efficient and prompt resolution of complaints. It will also enhance reporting and analytical capabilities.

To further improve client services, the Office will take steps to allow complainants to submit their complaints directly using the Web. This **complaint filing capability** could be eventually integrated within the case management system once all network and security requirements are met.

The OIC will also examine opportunities to share the experience gained during the development of its records and case management system with other small federal agencies with comparable program requirements.

In recent years, the penetration of **on-line media and social networking** has increased exponentially. Increasing Internet capacity to expand access to these tools within the Office would support a number of functions. As a source of public information, social media can assist investigators in determining whether some information may already be in the public domain. They would support Communications, Legal Services and Parliamentary Relations, in monitoring and participating in various on-line forums relevant to the OIC's program activity. The Clerk of the Privy Council has also recognized the importance of Web 2.0 technology to innovate in the way we serve and engage Canadians.

However, this new business requirement creates a technical challenge. The OIC network infrastructure is currently architected as a data network, primarily for email, file transfer and light Internet browsing. Providing access to a variety of social media sites will require additional bandwidth and security, as well as expertise to implement and operate the infrastructure. During 2011–2012, the OIC will scope this new business requirement, identify alternative solutions, and develop a plan to implement the preferred solution.

### **Addressing Security Imperatives**

Enhancing security for social networking is part of a much larger strategy, which the OIC will start implementing in 2011–2012. This multi-pronged strategy includes a number of proposed initiatives to ensure the protection of people, assets and information, as well as business continuity in emergency situations. The goal is to become fully compliant with the 2009 Policy on Government Security.

All employers have the obligation to protect employees, clients and visitors from threats of violence, harassment and intimidation. As a steward of public resources and a service provider, the OIC has a dual obligation to protect its assets from theft, damage or disruption. As an investigative body, it has a special responsibility to ensure the confidentiality and integrity of the personal and classified information it is entrusted with.

Any real or perceived deficiency in the information security infrastructure compromises the OIC's ability to deliver on its mandate and poses serious reputational risks. Institutions may become reluctant to produce information which, in turn, delays investigations and increases the risks of litigation. Important IT security updates are required in the short term, particularly for investigations involving national security matters.

The first steps for 2011–2012 will involve updating or developing the OIC's security policy, plan and procedure, reviewing its Business Continuity Plan, and obtaining adequate funding to acquire the necessary technology, hardware, information bandwidth, expertise and training. The Office must make provisions for major upgrades in protective measures and equipment in anticipation of its move to new premises planned for 2013.

### **Benefits for Canadians**

Under the *Access to Information Act*, anyone who makes a request for information to a federal institution and is dissatisfied with the response or the way it was handled has the right to complain to the Information Commissioner. The Office is committed to providing exemplary service to information requesters by investigating complaints in an efficient, fair and confidential manner. This investigative function is crucial to safeguarding the rights of individual Canadians to access public sector information.

To maximize service delivery and reduce grounds for complaint, the Office takes a proactive approach to widespread or recurring non-compliance issues, such as lengthy delays in responding to access requests and the steady reduction of information disclosed. It investigates root causes, recommends appropriate solutions, and monitors the progress achieved. The goal is to foster self-discipline among institutions and help reverse the

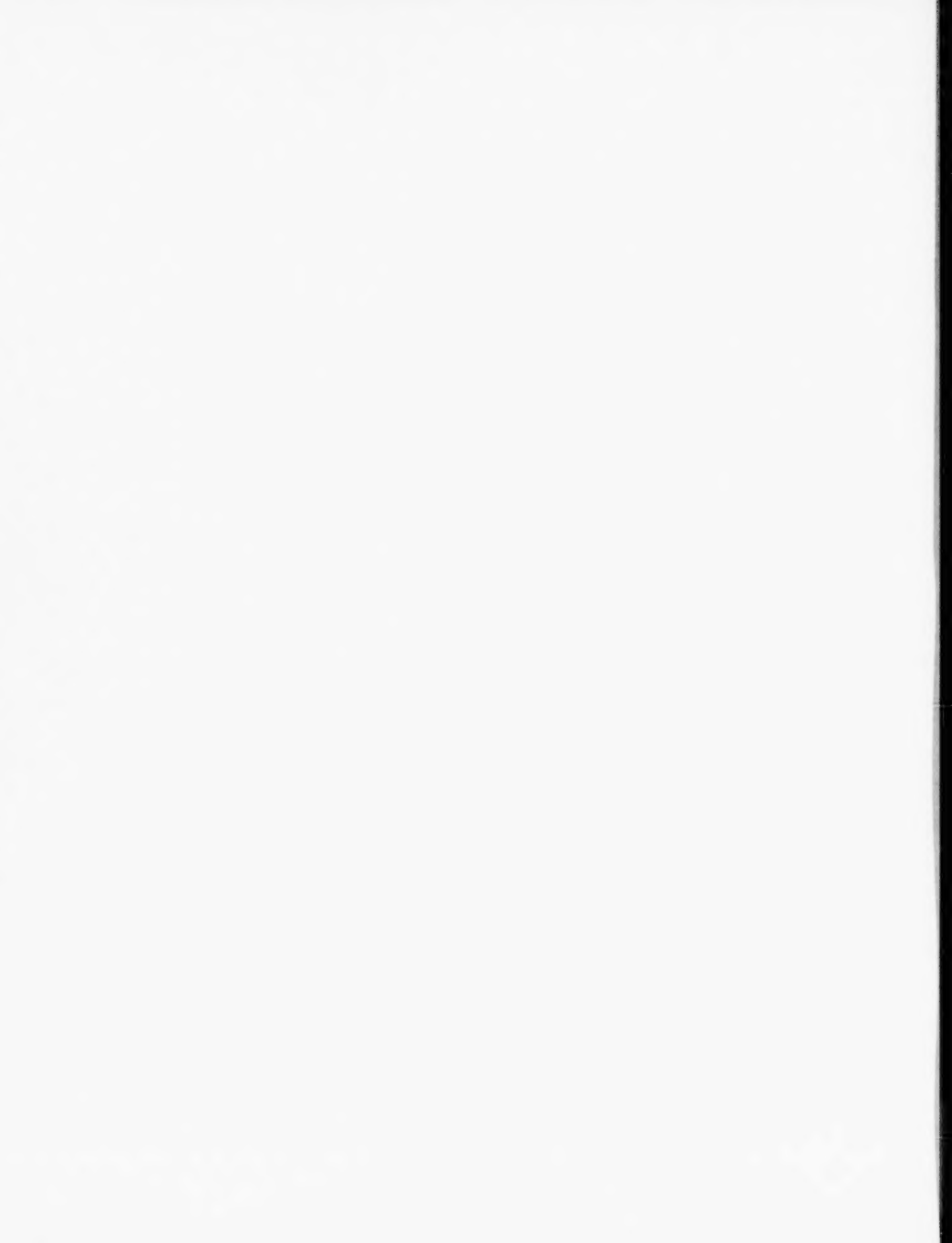
declining trends in timeliness and disclosure, while strengthening citizens' trust in government.

In today's fast-paced digital environment, respecting statutory timelines for processing access requests is no longer sufficient to achieve government transparency and accountability. The OIC is contributing to efforts aimed at modernizing Canada's quarter-century old access legislation and the way it is administered. Modernizing the regime will fulfill the current needs and expectations of our knowledge-based society and knowledge-driven economy.

The digital revolution has highlighted the potential benefits of increased transparency, participation and collaboration. The OIC is contributing to the convergence of access to information and Open Government, notably by demonstrating and recognizing exemplary practices in routine and proactive disclosure of information in open format. Proactively disseminating information of public interest will foster greater citizen participation in our democratic process, which in turn will benefit policy development and decision making. Sharing this information through collaborative and open formats will facilitate the search for effective solutions to challenges facing our country and the world.



### **Section III: Supplementary Information**



## Financial Highlights

The highlights presented here are intended to serve as a general overview of the OIC's future-oriented financial statements. In compliance with government-wide standards recommended by Parliament and the Auditor General of Canada, the OIC is introducing future-oriented statements, prepared on an accrual basis, to improve accountability, transparency and financial management. The detailed future-oriented financial statements can be found in the About Us/Corporate Information section of the OIC's website under Reporting.

### Future-Oriented Condensed Statement of Operations

For the Year (Ended March 31)

(\$ thousands)

	Variation	Estimated Results 2011	Forecast 2012
Expenses			
Total Expenses	-6%	14,744	13,825
Revenues			
Total Revenues	0%	0	0
<b>Net Cost of Operations</b>	<b>-6%</b>	<b>14,744</b>	<b>13,825</b>

### Future-oriented Condensed Statement of Financial Position

For the Year (Ended March 31)

(\$ thousands)

	Variation	Estimated Results 2011	Forecast 2012
Assets			
Total Assets	-6%	1,560	1,461
Liabilities			
Total Liabilities	0%	2,962	2,971
Equity	-8%	(1,402)	(1,510)
<b>Total</b>	<b>-6%</b>	<b>1,560</b>	<b>1,461</b>



## **Section IV: Other Items of Interest**

### **Preliminary Review of Key OIC Financial Processes, October 2010<sup>14</sup>**

To ensure healthy financial management and compliance with key policy requirements on internal controls, the Office of the Information Commissioner of Canada has undertaken to document significant processes and controls and to assess their efficiency. In 2010–2011, Samson & Associates was mandated to document and conduct a preliminary review of the following key processes and controls: salary expenditures, purchase of goods and services and payments to suppliers, management of assets and inventories, and accounting period closing processes and controls. As a result of observations and recommendations included in the report, OIC management has taken action to address all opportunities for improvement.

14. Preliminary Review of Key OIC Financial Processes, [http://www.oic-ci.gc.ca/eng/abu-ans\\_cor-inf-inf-cor\\_int-aud-ver-int-rep\\_internal-controls-contrôles-internes\\_preliminary-review-october-2010-examen-préliminaire-octobre.aspx](http://www.oic-ci.gc.ca/eng/abu-ans_cor-inf-inf-cor_int-aud-ver-int-rep_internal-controls-contrôles-internes_preliminary-review-october-2010-examen-préliminaire-octobre.aspx)